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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,454	06/12/2001	Richard Timothy Hartshorn	CM1913F	2212

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

14

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/787,454**

Applicant(s)  
**Hartshorn**

Examiner  
**Charles Boyer**

Art Unit  
**1751**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 3, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13 6) ☐ Other:

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### **DETAILED ACTION**

This action is responsive to applicants' request for continued examination received July 3, 2002. An action on the merits follows. Claims 1-9 are currently pending.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "components" in claim 1 is used by the claim to mean "separate regions or a mixture of compositions containing different components," while the accepted meaning is "a constituent part."

The examiner is grateful for the clarification provided by applicants in their response to the final rejection as to what is being claimed. Based on example 2J in the specification, the examiner now understands that the "components" of the invention consist of two separate agglomerates and blown powder, which make up detergent granules of the present invention. Applicants'

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invention is now understood by the examiner with respect to example 2J. However, example 2J is not commensurate in scope with what is being claimed. A detergent composition is claimed, not a detergent granule containing two separate agglomerates and a blown powder. Could not component (i), as broadly defined, be any area of the composition? In any detergent mixture that is not completely homogeneous, there will be areas of high concentration and areas of lower concentration that could be considered "components" of the composition. Any composition containing surfactant granules and separate builder granules, or even more common, detergents where a liquid surfactant is adsorbed on a solid builder, will have a value of M equal to zero. There must be scores, if not hundreds of references that meet this limitation.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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As stated above, the examiner maintains that virtually any portion of a detergent may be considered a “component” as defined by applicants. Nevertheless, prior art rejections not containing separate regions of detergent ingredients will be withdrawn for the present.

5. Claims 1-3, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al, US 4,321,157.

Harris et al teach granular laundry detergent compositions (see abstract). An example of such a composition is a granular detergent prepared by spraying liquid ingredients onto the solid ingredients (meets the “components” limitation of the present claims). The composition comprises 5% alkylbenzene sulfonate, 53% zeolite, and 22% TAED (col. 21, example IV). Note that  $M = 0$  in this example. Further note the particulate mixture has an average particle size of from 250 $\mu$ m to 3000 $\mu$ m (col. 2, lines 58-61). As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

As this is a new ground of rejection, albeit in the same reference, applicants have not traversed this rejection to date.

6. Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng, US 4,414,130.

Cheng teaches readily disintegrable agglomerate detergent compositions (see abstract). An example of such a composition contains zeolite in agglomerate particles and LAS in separate

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beads (meets the “components” limitation of the present claims). The detergent comprises 20% LAS and 25% zeolite (col. 20, example 6). Note that  $M = 0$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

As this is a new ground of rejection, albeit in the same reference, applicants have not traversed this rejection to date.

7. Claims 1-6, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Donoghue et al, WO 98/01520.

Donoghue et al teach detergent agglomerates comprising a mixture of particles (see abstract). An example of such a composition comprises intermediate particles containing zeolite and an anionic surfactant particle containing zeolite (meets the “components” limitation of the present claims). The detergent comprises 8.8% anionic and 19.6% zeolite (page 12, example 1). Note that  $M = 0.58$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng, US 4,414,130.

Cheng is relied upon as set forth above. Note that effervescent materials or mixtures may be added to these compositions as dispersing aids (col. 5, lines 43-52). It would have been obvious to one of ordinary skill in the art to include an effervescent system in the composition of Cheng et al and so render obvious the claims at hand as such a system is taught as suitable for use in the compositions of Cheng et al.

Applicants have traversed this rejection on the grounds that Cheng does not teach two "components." Applicants are again referred to example 6 cited above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3599.

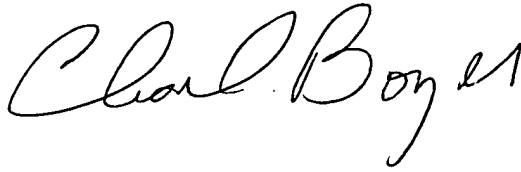
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

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Charles Boyer

A handwritten signature in cursive script that reads "Charles Boyer" followed by a stylized flourish or mark.

July 18, 2002